

POLICY ON THE INSTALLATION OF COMMERCIAL PIPELINES ALONG OR ACROSS COUNTY ROADS

This policy of the Board of County Commissioners in and for Crook County, WY is for the installation of commercial pipelines along or across any maintained or non-maintained County road(s). This policy is necessary since approximately 1,000+ miles of County roads exist in Crook County and the County does not have the funds to maintain all of the County roads in Crook County. This policy shall provide the procedures necessary for the acquisition of a pipeline License to install a pipeline along or across county road(s) and shall provide a mechanism to ensure that any damages to the County's road(s) and other improvements caused by the construction of said pipelines are addressed by the Licensee.

The County prefers that commercial pipelines are not located within County road right-of-ways to avoid causing additional maintenance, potential destruction and interference with the public's use of County roads for general, recreational, business and emergencies. The County prefers that Licensees that install commercial pipelines avoid County road right-of-ways, existing infrastructure, residential areas, platted subdivisions and bore county roads at perpendicular angles. The County would prefer that Commercial pipelines will not be installed in areas where there are intersections, existing or planned major improvements to County roads, such as bridges, large culverts, cattle guards; or other major improvements on the adjoining land that the commercial pipeline will interfere. Licensees should use the best technology available at a reasonable cost.

The Licensee shall pay for the impact to county roads and for any estimated damages that might be caused by Licensee's project before installation of the commercial pipeline.

A commercial pipeline is defined as any pipeline over four (4) inches in diameter that transports natural gas, liquid natural gas and or other petroleum products, and any pipeline that transports any liquid, gas, solid substance, or any combination of a liquid, solid and gas substance; including any waterlines; but does not include gathering lines used for in situ mining within a DEQ and NRC permitted mine site.

A project is defined as the entire development from beginning through reclamation of the installation of the pipeline.

PROCESS FOR OBTAINING A COMMERCIAL PIPELINE LICENSE(S) ALONG OR ACROSS COUNTY ROADS

A. PRE-MEETING: This is a very informal meeting that may occur in person or by telephone conference call.

1. To start the process and before the initial meeting the Licensee shall schedule a pre-meeting with the Road and Bridge Department and Growth and Development Office requesting to install a commercial pipeline within the County road right-of-way and have a Pre-Meeting with them.

2. The purpose of this pre-meeting is to familiarize the Licensee with County Staff, requirements and resources.

3. The Licensee shall pay the County a non-refundable fee of \$5,000.00 or 0.1% of the cost of the project, whichever is less, for the impact caused by the Licensee

to prepare and review the License(s), Permits, Rural Address(es) and other matters for each project.

4. The Licensee shall provide the County Growth and Development Office the route or potential routes of the commercial pipeline in a digital shapefile geo-referenced in NAD 1983, State Plane Wyoming East FIPS 4901 (US Feet). The Licensee shall obtain from the County Growth and Development Office a draft of "Commercial Pipeline License" together with a map that shows the road, road number, land ownership overlay, perennial stream data, and the mailing addresses of all adjoining surface owners from the County Assessor's Office, and any other information either party feel may be relevant. The County information should be obtained in electronic format from the Growth and Development Office so as to prepare useable documents.

5. This information will be provided to the Growth and Development Office and Road and Bridge Department a minimum of five (5) business days before the initial meeting. It will be used later by the Board of County Commissioners, Road and Bridge Department, and other County Departments pertaining to the road(s) in question at the time of the initial meeting.

B. INITIAL MEETING: The Licensee will initially meet with the Growth and Development Office and Road and Bridge Department Office. The Licensee and County departments will:

1. Review the information provided by the Licensee.
2. Determine the locations of existing commercial pipelines, intersections, existing or planned major improvements to the County road such as bridges, culverts, cattle guards or other major improvements on the county road that the commercial pipeline will affect.
3. Provide what other County, State and Federal regulations, laws Permits and or Licenses are required, to determine and disclose potential conflicting issues, such as, if the County has been preempted by State or Federal law governing any requirements of this License.
4. Review the information provided by the Licensee and any other information that is deemed necessary including discussions with staff and local agencies.
5. Review the "Commercial Pipeline License" to ensure it is properly prepared.
6. Provide the Licensee with Road Maintenance Agreement, County Road Access Permit(s), Tax and Assessment Information, Fire Management Plan, Weed and Pest Plan, and Rural Addressing Application(s) for all shut off valves, pump stations or significant improvements on the pipeline.
7. Set a time for the Licensee to physically view the proposed commercial pipeline route and crossing with the Road and Bridge Superintendent and others either party deem necessary.
8. Set a time on the County Commissioners' calendar no less than fifteen (15) calendar days before the Commissioners meeting for the Commissioners to hold a first hearing on granting or disallowing the "Commercial Pipeline License" to the Licensee.
9. Set a time for a second hearing on the County Commissioners' calendar for the next month's meeting after the first hearing.

C. VIEWING THE ROUTE: The Licensee shall view the proposed commercial pipeline route, crossings, access locations, transportation routes, other impacted County roads with the Road and Bridge Superintendent and others either party deem necessary.

1. The Road and Bridge Superintendent and other parties after viewing the route shall prepare their proposed agreements.

2. The Road and Bridge Superintendent shall inform the Licensee both the depth of the commercial pipeline according to Wyoming Department of Transportation standards or regulations, and where it should cross the County road at a perpendicular angle.

3. If requested the County Attorney will give the legal status of the road.

4. If requested the Sheriff should be present to provide input on traffic, speed, or any other law enforcement matters that may be an issue.

5. Growth and Development should give their input and notify at the earliest possible time other county departments and agencies to obtain input into the matter.

D. FIRST HEARING: After the Road and Bridge Department reviews the locations of the "Commercial Pipeline License" and Access Permits after viewing of the roadway, the Licensee and Road and Bridge Superintendent will meet with the Board of County Commissioners at a Public Hearing.

1. The Licensee shall provide signed "Commercial Pipeline License(s)," Access Permit(s), Road Maintenance and Repair Agreement, Fire Management Plan (during construction), and proposed Rural Address locations, report of estimated tax revenue and report of estimated expenditures and improvements at least three (3) days before the first hearing.

2. The Licensee shall pay for all costs as set forth in the agreements in addition to the non-refundable fees paid. Any agreements will be entered into with Licensee in writing with the appropriate financial guarantees or payments according to the agreements. Payments shall be made upon approval of the Licenses.

3. The First Hearing shall be advertised in each newspaper published in the county for at least one (1) week at least eleven (11) calendar days before the First Hearing. [Publishing dates are Thursday of each week and the deadline for the Wyoming Pioneer is Friday at noon, and for the Moorcroft Leader and Sundance Times is Tuesday at noon.] The Notice will be in the form provided by the County Growth and Development Office.

4. Notice of the First Hearing shall be mailed out by first class mail by the County Clerk on behalf of the Board of County Commissioners to all landowners of record along the route of the pipeline and impacted County roads in the County Assessor's office on or before the date the Notice of First Hearing is published. All Licensee's documents on file with the County Clerk will be available for public review, except those exempted by the Wyoming Public Records Act.

5. The Notice will be sent by mail or email by the County Clerk on behalf of the Board of County Commissioners to any local, state or federal agency requesting notice, requested by the Licensee and or requested by the Board or Departments.

6. The purpose of the First Hearing will be to determine if the Licensee has substantially complied with this policy, has mitigated the actual and reasonable public

health and safety concerns as it actually reasonably relates to affected county roads, and to determine if a second hearing is necessary.

7. The First Hearing will be a legislative type hearing and not a contested case hearing.

8. Written comments and exhibits should be submitted to the County Clerk at least one (1) week before the First Hearing for consideration by the Licensee, Board and Departments.

9. The Licensee shall present its request for the License(s).

10. The County Departments will respond or present their requests.

11. The Public may then make comments. Preference will be given to County residents, taxpayers, and landowners. They are all encouraged to have a spokesperson, not be repetitive, threatening, or argumentative, and to have read the proposed documents before making comments. The Board may set time limits and limit repetitive, threatening, or argumentative comments.

12. After public comment, the Board may ask the various County Departments, State Agencies, and Federal Agencies, Licensee or other person to respond then or at the next regular meeting of the Board.

13. If the Licensee has substantially complied with this policy, has mitigated the actual and reasonable public health and safety concerns as it actually reasonably relates to affected county roads, the Board may grant the License(s), Permits and Agreements.

14. If the Board determines for any reason that a Second Hearing is necessary the matter shall be set for a Second Hearing.

E. SECOND HEARING: If a Second Hearing is required by the Board it shall be heard at the next month's regularly scheduled meeting unless requested to be continued by the Licensee and shall proceed as follows:

1. The Second Hearing will be a legislative type hearing and not a contested case hearing.

2. Any person, county, state or federal agency, department head or elected official must file with the County Clerk their objection, comments and concerns in writing together with any exhibits at least fifteen (15) day before the Second Hearing to be considered by the County Commissioners.

3. Since the Licensee already submitted its documents, the Licensee will not be required to file any written responses, but may choose to do so.

4. The Second Hearing shall proceed as follows:

a. The Licensee shall present its request for the License(s).

b. The County Departments will respond or present their requests.

c. The Public may then make comments. Preference will be given to County residents, taxpayers, and landowners. They are all encouraged to have a spokesperson, not be repetitive, threatening, or argumentative, and to have read the proposed documents before making comments. The Board may set time limits and limit repetitive, threatening, or argumentative comments.

d. After public comment, the Board may ask the various County Departments, State Agencies, Federal Agencies, Licensee or other person (s) to respond.

5. Notice of the Second Hearing shall be mailed out by first class mail by the County Clerk on behalf of the Board of County Commissioners to any person making a written request to the County Clerk to be advised of the Second Hearing, and as determined by the Board.

F. DECISION: At any time after the First Hearing or if scheduled the Second Hearing the Board shall make a decision.

1. The Board may approve, deny or modify the License(s), Permit(s), Agreement(s), Plan(s), Financial Guarantee(s), and other requirements imposed by the Board.

2. If the Board approves the installation of a commercial pipeline, they will grant a "Commercial Pipeline License," for each crossing, County Road Access Permit(s), Road Maintenance and Repair Agreement, Fire Management Plan during Construction, and Rural Address(es), at the same time.

3. The County will require the Licensee to pay for all costs and fees as set forth in the License(s), Permits, Road Repair and Maintenance Agreement and any recording fees.

4. If the Board of County Commissioners deny the installation of a commercial pipeline, the Licensee will be required to condemn the County, if the Licensee chooses to proceed.

5. The Commercial Pipeline License(s) and Access Permit(s) shall be recorded in the County Clerk's Office and the appropriate Road File.

G. MAINTENANCE OF COMMERCIAL PIPELINE: Pipeline maintenance is imperative to prevent damage to County roads.

1. The Licensee of the commercial pipeline and any subsequent owner(s) are responsible for the upkeep maintenance of the commercial pipeline.

2. If a commercial pipeline is abandoned, it shall be removed, unless the County grants written permission for the pipeline to remain in the County right of way.

H. ROAD MAINTENANCE AGREEMENT: Licensees should pay for the impact and damage caused by their project.

1. The Licensee shall enter into a Road Maintenance and Repair Agreement with sufficient financial assurances, guarantees or cash bonding amount before obtaining a Commercial Pipeline License. Any remaining financial assurances, guarantees or cash bonding shall be released within one (1) year of the Licensee's written notice of the completion of the project.

2. This agreement shall include dust mitigation before, during and up to one (1) year after construction has been completed by magnesium chloride or a similar substance.

I. ACCESS PERMITS: Licensees shall obtain Access Permit(s) for any temporary or permanent driveway and turnouts to County roadway for their pipeline project to limit required maintenance and damages to County Road(s) and provide for safety considerations.

1. The Licensee shall obtain all County Road Access Permit(s) while obtaining a Commercial Pipeline License.

J. RURAL ADDRESSES: Licensees shall obtain Rural Address(es) for all significant infrastructure for their project to provide the location of the site to assist in providing timely emergency services.

1. The Licensee shall obtain all rural addresses requested while obtaining a Commercial Pipeline License.

K. HOMELAND SECURITY: Licensees shall provide information requested to provide for security, safety and emergency services considerations.

1. The Licensee shall provide all information requested by Crook County Homeland Security before obtaining a Commercial Pipeline License including but not limited to the plan of operation and maintenance relating to public and employee safety, products being transported, or stored if there is a proposed storage facility, and contacts to obtain any information concerning oversight and inspections of the pipeline, facilities or project.

2. The Licensee shall be required to notify Homeland Security and Crook County in the same manner and timeframes as required by any other state and or regulatory agency about incidents concerning this pipeline.

3. The Licensee shall provide the Emergency Operation Plan to the County Homeland Security Coordinator before the commercial pipeline is placed into service.

L. FIRE WARDEN: Licensees shall provide information requested to provide for safety and emergency services considerations.

1. The Licensee shall keep apprised of and comply with any Burn Restriction imposed by the County Commissioners through the County Fire Warden.

2. The Licensee shall prepare a Fire Management Plan for firefighting during the construction of the project with the County Fire Warden.

3. The Licensee shall provide a Fire Management Plan to the County Fire Warden before the commercial pipeline is placed into service.

M. WATER QUALITY: Licensees shall provide information requested to provide for baseline testing to protect Licensee, the County, and Landowners interest.

The Licensee shall:

1. Pay for an independent third party, which will be pre-approved by the Crook County Natural Resource District (CCNRD), to test water quality before a Commercial Pipeline License is granted by the County Commissioners.

2. Water quality tests shall be similar to those required by the Wyoming Oil and Gas Commission of any consenting landowner's water wells, springs, ponds, reservoirs, running streams or other water source within one hundred (100) feet of the centerline of the commercial pipeline where it is located within the county road right of way.

3. The CCNRD shall hold a copy of the data.

N. **TAXES:** Licensees shall provide information requested to provide for a better understanding of the benefits of their project to the residents of the County and by paying taxes in Crook County, it is better able to serve the Licensee with better public services.

1. The Licensee, its contractors and subcontractors shall obtain the following in Crook County, WY so that the County obtains the tax benefits of the commercial pipeline:

- a. Mobile Machinery Stickers;
- b. Advertise for jobs on the pipeline with the State of Wyoming, Department of Workforce Services at <http://wyomingworkforce.org>;
- c. Take delivery of all pipe, valves, hardware, fuel and other infrastructure inside Crook County so that the County receives the sales tax revenue paid for the purchase of anything connected with the pipeline; and
- d. Make a good faith effort to use local vendors, contractors, and services.

2. The Licensee shall prepare a report of estimated tax revenue to be paid by Licensee, its contractors and vendors over the next three (3) years to State and local governments. This shall include sales and use tax, license fees, mobile machinery fees, and ad valorem taxes. This shall be presented one week before the hearing before the Board.

O. **FORMS:** The Board authorizes the Growth and Development Office and other County Departments and Elected Officials to create any forms necessary to carry out and streamline this policy and to change them as the need arises including but not limited to the Pipeline License, Road Repair and Maintenance Agreement, financial guarantees.

PASSED, APPROVED AND ADOPTED by the Crook County Commissioners on the 7 day of Jan, 2014.

BOARD OF COUNTY COMMISSIONERS IN AND FOR CROOK COUNTY
WYOMING

BY J.W. Hadley
J.W. HADLEY, CHAIRMAN
BY Kelly B. Dennis
KELLY B. DENNIS, VICE-CHAIRMAN
BY Jeanne A. Whalen
JEANNE A. WHALEN, MEMBER

State of Wyoming }

County of Crook }

Signed or attested before me on Jan 7, 2014
by J. W. Hadley, Chairman, Kelly B. Dennis Vice Chairman, and Jeanne A. Whalen,
Member, Board of Crook County Commissioners.

SEAL
MY TERM EXPIRES THE FIRST
MONDAY IN JANUARY 2015

Connie D. Tschetter
CONNIE D. TSCHETTER, CROOK COUNTY CLERK